

CITY OF PLATTSBURGH, NEW YORK
ZONING BOARD OF APPEALS
April 16, 2012 MEETING MINUTES

ZONING MEMBERS PRESENT: Chairperson Ronald Nolland,
Maurica Gilbert, Michelle LaBounty,
Connie Fisher, Scott DeMane

ZONING MEMBERS ABSENT: Kathy Latinville,
Karl Weiss (Available as Alternate)

ADMINISTRATIVE STAFF PRESENT: Joseph McMahon

ALSO PRESENT: Lori Ann Daniels, Café Kosh
Kenneth Mousseau, 6 Grant Street

The Following Agenda Was Heard:

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
1926	LORI ANN DANIELS 3 BROAD STREET, ALSO KNOWN AS 1 BROAD STREET	ADMINISTRATIVE REVIEW SIGN ORDINANCE LEAVES ROOM FOR INTERPRETATION OF RIGID SIGN VERSUS CLOTH SIGN
1927	KENNETH MOUSSEAU 6 GRANT STREET	CLASS B VARIANCE CONSTRUCT AN ADDITION IN REQUIRED FRONT AND REAR YARDS, THE LOT IS VERY UNIQUE

The City of Plattsburgh Zoning Board Meeting was called to order by Mr. Nolland at 7:00 p.m.

APPEAL 1926

APPEAL # 1926, LORI ANN DANIELS, ADMINISTRATIVE REVIEW, 3 BROAD STREET,
ALSO KNOWN AS 1 BROAD STREET, SIGN ORDINANCE LEAVES ROOM,
FOR INTERPRETATION OF RIGID SIGN VERSUS CLOTH SIGN

Recording time: 00:05:50

This was an Administrative Review. Ms. Lori Ann Daniels of Café Kosh, was present for this appeal. Ms. Daniels was asked by the Building Inspector's Office to remove the flag. Ms. Daniels stated the flag was on Mr. Whitbeck's property.

The decision the board was being asked to review was Mr. Bouchard's (Municipal Code Inspector) decision that Ms. Daniels remove the flag. Also to be reviewed was the Zoning Chapter 270-26 on Banners, and was this flag a banner. Mr. Nolland read the chapter from the Zoning Code on Banners into the record. The Board will uphold or overturn the decision of the Building Inspector.

The sign reads "Open". Mr. Nolland suggested relocating the sign onto the building or putting the sign on a flagpole. Ms. Daniel stated she wants it more close to the dining area. Ms. Daniels stated the sign doesn't look as attractive when it could flow more freely, it is almost 18.5 feet, doesn't want to go up to 20 feet high.

Mr. Nolland stated that as a banner/pennant, it is not allowed anywhere. It is up to Mr. Perry, the Building Inspector.

Ms. Gilbert stated that banners and pennants are not allowed and her interpretation is that someone can go to the Building Inspector for authorization. If it is illegal, he has no original jurisdiction to alter or relocate.

Mr. Nolland offered a solution such as mounting it to the building. Ms. Daniels said she could accept that.

Mrs. LaBounty stated she has no problem as long as it is treated as a sign, still advertise as a business, just needs to go into the footage allowed. It is still advertising your business.

Ms. Daniels stated that her concern was twenty people can have their own interpretation.

Ms. Gilbert stated once they made a decision, the Building Inspector has to go by their interpretation for all future cases.

Ms. Daniels stated she understood this.

Continued discussion took place regarding this as a flag or sign, mounting it to the building, not projecting more than six inches. This situation originated when the Municipal Code Inspector was addressing other flag issues within the City other than this one. Also discussed was making changes to a sign, rigid and cloth signs, keeping the sign attractive, upholding the decision which hurts this business and otherS. If this sign is deemed a banner, the Building Inspector could allow it.

Mr. Nolland suggested they could table the decision on the Board's behalf to do more research. Ms. Daniels stated she could use two more weeks.

Recording Time: 00:31:09

Motion: To Postpone Appeal # 1926, Lori Ann Daniels, owner of Café Kosh at 1 Broad Street, to postpone on the Board's behalf for 100 days while we review banners and pennants in the sign ordinance and take into consideration that she will relocate the "Open" pennant so that it is attached to the building.

Motion By: Mrs. LaBounty, Seconded By Mr. DeMane

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted to Postpone

APPEAL 1927

APPEAL # 1927, KENNETH MOUSSEAU , CLASS B VARIANCE,
6 GRANT STREET, CONSTRUCT AN ADDITION IN REQUIRED FRONT AND REAR YARDS,
THE LOT IS VERY UNIQUE

Recording time: 00:34:27

Mr. Kenneth Mousseau was present for this appeal. This is a two family residence and will remain that way. There is no coverage, no open space, doesn't change parking requirement.

Ms. Gilbert stated this was a buyer with knowledge, self created area variance, doesn't matter if self created.

Mr. Mousseau stated he disagreed, he didn't create the lot.

Mr. Nolland explained the lot was purchased knowing about the lot.

Mr. Mousseau remeasured and the front will be closer to 19 feet and the back will be approximately 17 feet.

Mr. Nolland asked about moving the addition back to 20 feet.

Mr. Mousseau explained there will be a deck entrance for both apartments, moving it back might affect both apartment entrances. It has been strategically placed relevant to the structural aspects. It will be enclosed. Living room and bathroom remain the same. The addition is one story will only affect the down stairs; the upstairs will remain the same. They will strip the siding, inspect and reapply new siding to both. Removing the porch in the front it will give a setback from the sidewalk and will allow appropriate landscaping. Removing the doors will give it an appropriate streetscape balance. A front door on the addition with possibly a small roof over it. A new sidewalk will be put in. Parking will be on the right, no parking now.

The meeting was opened up the audience, there were no comments. The public hearing portion was then closed.

Ms. Fisher asked about the roof pitch. It will be a gable going to South Catherine Street. The pitch will have to be minimized relative to the windows, estimated 4.5/12.

Correspondence was read into the record from Mr. and Mrs. Jerry Rosenbaum, in support of the project.

Recording Time: 00:45:18

Motion: Appeal # 1927, Kenneth Mousseau at 6 Grant Street, to Grant a Class B Variance, 16' x 16' one story addition, according to the application, no closer than 17 feet to sidewalk.

Motion By: Mrs. LaBounty, Seconded by Ms. Fisher

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mrs. LaBounty, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted

APPROVAL OF MINUTES

Minutes from the March 19, 2012 meeting were approved.

**Motion: To accept the minutes of the March, 2012, meeting as corrected.
By Ms. Fisher, seconded by Mr. DeMane**

**All In Favor: 5
(Mr. Nolland, Mrs. LaBounty, Ms. Gilbert, Ms. Fisher, Mr. DeMane)
Opposed: 0**

ADJOURNMENT

**Motion to Adjourn:
By Ms. LaBounty, seconded by Mr. DeMane
(Ms. Gilbert, Mrs. LaBounty, Mr. Nolland, Mr. DeMane, Ms. Fisher)**

**All In Favor: 6
Opposed: 0
The Meeting was adjourned at 8:01 p.m.**

Respectfully submitted by:

Debra Jarvis
Zoning Board Secretary